

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on April 2, 2007, in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:06 PM. Commissioners Robert Bourque and David Arsenault were present.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes of the regular meeting held on March 19, 2007 were reviewed, approved and signed.

II. CONTINUED APPLICATIONS

Cahill's Pub, 409 Main St. for One Video. (Montachusett)

For the second time, applicant was not present. No action taken.

Kim and Gary Norris for new taxi license, "Twin City Kab", 426 River St.

Present were Kim and Gary Norris and Mildred Lynch. Presented to the Board was a signed purchase and sale agreement of the taxi business known as C&M Taxi of Fitchburg between Mildred Lynch, seller and Kim and Gary Norris, buyers.

Mr. Norris stated that, contrary to his previous request, the vehicles used by Twin City Kab will remain white. He stated that he would still like to paint them all yellow in the future.

Mr. Norris complained that it takes too long to receive a new sticker for a new taxi vehicle from the Clerk's office – he stated that he would like to receive the new stickers within one day of making application so that the vehicle can be put on the road. Chairman Judge stated that as long as the application for a sticker is filed in the Clerk's office, the new vehicle may be driven and the sticker affixed as soon as it is received by the taxi company.

Application approved 3-0. The name on the new license will be G&K Taxi Service, Inc. d/b/a Twin City Kab.

(Note that the City Council public hearing for a special permit for outside storage of motor vehicles at 426 River St. is scheduled for April 17, 2007.)

III. CONTINUED HEARINGS

C&M Taxi, 30 Berry St. for Failure of licensee to notify the License Commission of a motor vehicle accident involving a taxi vehicle – FPD Motor Vehicle Crash Report #07-5972-AC.

Present was Mildred Lynch, owner of C&M Taxi. Also present were Kim and Gary Norris. Mrs. Lynch stated that the driver involved in the accident is no longer working for her.

Letter of warning to be sent indicating that it will be taken in to consideration if further violations occur. 3-0.

IV. NEW APPLICATIONS

Café Destare, 320 Main St., for Entertainment Permit: Live musicians and dance, Monday through Saturday.

Present were Mr. Chris Iosua and Mr. Lance Dellagono.

Speaking in favor of the application was Mr. Clark Straight.

Application amended to read as follows and approved 3-0:

Jazz, blues and piano - trio and quartet, live band, dance.

Also addressed was a verbal request from Mr. Iosua for a Late Closing permit, Sunday – Wednesday 11AM to Midnight and Thursday – Saturday 11AM to 2AM.

Mr. Clark Straight spoke regarding the verbal request, stating that he cautions the Board of the impact another 2AM Late Closing permit may have in combination with other 2AM Late Closing permits on Main Street.

Request for Late Closing as noted approved 3-0.

Café Destare, 320 Main St., to present concerns for the Wine Cellars' use of the outside seating area.

Present were Mr. Chris Iosua and Mr. Lance Dellagono.

Mr. Iosua stated that activity that occurs at The Cellar after 8PM in the outside seating area is difficult to deal with. He stated that the presence and smell of vomit and urine in the morning in the dumpsters and in the parking garage are very unpleasant. He stated that he is afraid the smell combined with the numbers of people occupying the four foot walkway that is supposed to remain clear will deter his customers. He stated that the main entrance to his establishment will be accessible only through the outside seating area of The Cellar which typically blocks off the entire area from The Cellar to the parking garage with cattle gates. He stated that he is afraid his patrons will be harassed by the large number of young, intoxicated patrons that occupy the outside area as they attempt to make their way from the parking garage staircase on Mill St. across to the entrance to his establishment.

Commissioners discussed the need to obtain the prior ruling from the City Solicitor regarding the ownership of the land currently being occupied by the outside seating area of The Cellar.

Commissioners instructed the Clerk to summons in The Cellar for the April 18, 2007 meeting to discuss the operation of the outside seating area. Chairman Judge stated that he would research the prior ruling made on the ownership of the land in question.

V. HEARINGS

Partner's Pub, 970 South St., for alleged violation of ABCC Regulation 204-2.05: Permitting a disturbance on premise.

Present was Mr. Walter Kirby. Mr. Kirby stated that the patron walked out of his establishment with a beer bottle in his hand to use his cell phone. He stated that one of his employees saw this occur and told him to come back in. He stated that the police officer happened to be arriving at the front door to the establishment and saw what happened. The police officer instructed the patron to leave, a verbal exchange occurred and escalated, finally resulting in the arrest of the patron.

Decision: No violation occurred, no action taken 3-0.

VI. OTHER

- New regulation regarding signs for "Cover Charge"

New regulation approved as follows 3-0:

Existing regulation #11.7 will be re-numbered to 11.8

New regulation #11.7 will read as follows:

Where a "Cover Charge" is required by an establishment, a sign will be conspicuously posted at every entrance in letters no less than one inch in height stating that a "Cover Charge" shall be charged and also stating the amount of the charge and the following statement in letters no less than one quarter inch in height stating the following: "Posting of this sign is required under MGL Ch. 140 s. 183D, ABCC Regulation 204-2.16 and Fitchburg Board of License Commissioners Regulation 11.7.

(Sample Cover Charge sign attached to these minutes will be mailed to all establishments along with notice of new regulation)

- Taxi driver applications

Approved for two years: Michael J. Grandmaison and Eileen Begor.

- Correspondence

1. ABCC decision regarding Log Cabin, 135 Westminster St.: Licensee violated 204

CMR 2.05 (1) Permitting Gambling (3 counts), and, therefore suspends the license for a period of 15 days.

Any other matter that may come before the Commission as time permits

1. The Clerk was instructed to summons in John Kelly for a report on construction and plans to utilize license #0394 00088, 13 Cushing Street for the April 18, 2007 meeting.

2. The Clerk was instructed to summons in Cynthia Allaire, Manager, Karma at Bourbon Street for a Hearing to be held May 7, 2007 for the following issues:

FPD Reports 07-9925 and 07-9927

Alleged violation of CMR 204:205: Permitting a disturbance on premise

Alleged violation of MGL Ch.138 s.12A: not conducting business as licensed, e.g. Restaurant

Alleged violation of MGL Ch. 138 s. 1 – View of interior

Obtaining an Entertainment Permit for a DJ after false testimony to the Licensing Board

Regarding this same matter, the Clerk was instructed to summons in FPD Captain Philip Kearns.

The meeting adjourned at 8:30 PM.

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

William A. Judge

Robert A. Bourque

David F. Arsenault

COVER CHARGE

\$XXX

**Posting of this sign is required under
MGL Ch. 140 s. 183D,
ABCC Regulation 204-2.16 and
Fitchburg Board of License Commissioners Regulation
#11.7**

